

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below regarding motorcycles helmet labels has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on March 30, 2011 (76 FR 17746). The docket number is NHTSA-2011-0045. No comments were received.

**DATES:** Comments must be submitted on or before August 12, 2011.

**FOR FURTHER INFORMATION CONTACT:** Ms. Shashi Kuppa at U.S. Department of Transportation, NHTSA, 1200 New Jersey Avenue, SE., West Building Room W43-313, NVS-113, Washington, DC 20590. Ms. Shashi Kuppa's telephone number is (202) 366-3827 and fax number is (202) 366-7002.

**SUPPLEMENTARY INFORMATION:****National Highway Traffic Safety Administration**

*Title:* 49 CFR 571.218, Motorcycle Helmets (Labeling).

*OMB Control Number:* 2127-0518.

*Type of Request:* Extension of a currently approved collection.

*Abstract:* The National Traffic Vehicle Safety statute at 49 U.S.C. subchapter II standards and compliance, sections 30111 and 30117, authorizes the issuance of Federal motor vehicle safety standards (FMVSS). The Secretary is authorized to issue, amend, and revoke such rules and regulations as he/she deems necessary. The Secretary is also authorized to require manufacturers to provide information to first purchasers of motor vehicles or motor vehicle equipment when the vehicle equipment is purchased, in the form of printed matter placed in the vehicle or attached to the motor vehicle or motor vehicle equipment.

Using this authority, the agency issued the initial FMVSS No. 218, "Motorcycle helmets," in 1974.

Motorcycle helmets are devices used to protect motorcyclists from head injury in motor vehicle crashes. FMVSS No. 218 S5.6 requires that each helmet shall be labeled permanently and legibly in a manner such that the label(s) can be read easily without removing padding or any other permanent part.

*Affected Public:* Motorcycle helmet manufacturers.

*Estimated Burden Hours:* 5,000 hours.

**ADDRESSES:** Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503. Attention NHTSA Desk Officer.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. Comments to OMB are most effective if received by OMB within 30 days of publication.

Issued on: July 7, 2011.

**Christopher J. Bonanti,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2011-17643 Filed 7-12-11; 8:45 am]

**BILLING CODE 4910-59-P**

**DEPARTMENT OF THE TREASURY****Office of Thrift Supervision****Application Filing Requirements**

**AGENCY:** Office of Thrift Supervision (OTS), Treasury.

**ACTION:** Notice and request for comment.

**SUMMARY:** The proposed information collection request (ICR) described below has been submitted to the Office of Management and Budget (OMB) for review and approval, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3507. OTS is soliciting public comments on the proposal.

**DATES:** Submit written comments on or before August 12, 2011. A copy of this ICR, with applicable supporting documentation, can be obtained from RegInfo.gov at <http://www.reginfo.gov/public/do/PRAMain>.

**ADDRESSES:** Send comments, referring to the collection by title of the proposal or

by OMB approval number, to OMB and OTS at these addresses: Office of Information and Regulatory Affairs, Attention: Desk Officer for OTS, U.S. Office of Management and Budget, 725 17th Street, NW., Room 10235, Washington, DC 20503, or by fax to (202) 393-6974; and Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, or by e-mail to [infocollection.comments@ots.treas.gov](mailto:infocollection.comments@ots.treas.gov). OTS will post comments and the related index on the OTS Internet Site at <http://www.ots.treas.gov>. In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., Washington, DC 20552 by appointment. To make an appointment, send an e-mail to [public.info@ots.treas.gov](mailto:public.info@ots.treas.gov).

**FOR FURTHER INFORMATION CONTACT:** For further information or to obtain a copy of the submission to OMB, please contact Ira L. Mills at, [ira.mills@ots.treas.gov](mailto:ira.mills@ots.treas.gov), or on (202) 906-6531, or facsimile number (202) 906-6518, Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

**SUPPLEMENTARY INFORMATION:** OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection. *Title of Proposal:* Application Filing Requirements.

*OMB Number:* 1550-0056.

*Form Number:* N/A.

*Description:* OTS regulations require that applications, notices, or other filings must be submitted to the appropriate Regional Office of OTS. See 12 CFR 516.40(a). Section 516.40(a) requires the applicant to file the original application and the number of copies indicated on the applicable form with the applications filing division of the appropriate Regional Office. If the form does not indicate the number of copies the applicant must file or if OTS has not prescribed a form for the application, the applicant must file the original application and two copies. The applicant must caption the original application and all required copies with the type of filing and must include all exhibits and required documents with the original and the required copies. 12 CFR 516.30(b). If an application, notice, or other filing raises a significant issue of law or policy, or the form instructs

the applicant to file with OTS Headquarters, the applicant must also file copies of the application with the Applications Filing Room at OTS in Washington, DC. The applicant must file the number of copies with OTS Headquarters that are indicated on the applicable form. If the form does not indicate the number of copies, or if OTS has not prescribed a form for the application, the applicant must file three copies with OTS Headquarters. 12 CFR 516.40(b).

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 1,175.

*Estimated Frequency of Response:* On occasion.

*Estimated Total Burden:* 200 hours.

*Clearance Officer:* Ira L. Mills, (202) 906-6531, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Dated: July 7, 2011.

**Ira L. Mills,**

*Paperwork Clearance Officer, Office of Chief Counsel, Office of Thrift Supervision.*

[FR Doc. 2011-17539 Filed 7-12-11; 8:45 am]

**BILLING CODE 6720-01-P**

## UNITED STATES SENTENCING COMMISSION

### Sentencing Guidelines for the United States Courts

**AGENCY:** United States Sentencing Commission.

**ACTION:** Notice of final action regarding amendment to Policy Statement 1B1.10, effective November 1, 2011.

**SUMMARY:** The Sentencing Commission hereby gives notice of an amendment to a policy statement and commentary made pursuant to its authority under 28 U.S.C. 994(a) and (u). The Commission promulgated an amendment to Policy Statement 1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline Range) clarifying when, and to what extent, a sentencing reduction is considered consistent with the policy statement and therefore authorized under 18 U.S.C. 3582(c)(2). The amendment amends 1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline Range) (Policy Statement) in four ways. First, it expands the listing in 1B1.10(c) to include Amendment 750 (Parts A and C only) as an amendment that may be applied retroactively. Second, it amends 1B1.10 to change the limitations that apply in cases in which the term of

imprisonment was less than the minimum of the applicable guideline range at the time of sentencing. Third, it amends the commentary to 1B1.10 to address an application issue about what constitutes the “applicable guideline range” for purposes of 1B1.10. Fourth, it adds an application note to 1B1.10 to specify that the court shall use the version of 1B1.10 that is in effect on the date on which the court reduces the defendant’s term of imprisonment as provided by 18 U.S.C. 3582(c)(2).

**DATES:** The effective date of this policy statement and commentary amendment is November 1, 2011.

**FOR FURTHER INFORMATION CONTACT:** Jeanne Doherty, Office of Legislative and Public Affairs, 202-502-4502.

**SUPPLEMENTARY INFORMATION:** The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal sentencing courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o), and specifies in what circumstances and by what amount sentences of imprisonment may be reduced if the Commission reduces the term of imprisonment recommended in the guidelines applicable to a particular offense or category of offenses pursuant to 28 U.S.C. 994(u).

Additional information may be accessed through the Commission’s Web site at <http://www.ussc.gov>.

**Authority:** 28 U.S.C. 994(a), (u).

**Patti B. Saris,**  
*Chair.*

1. Amendment: Section 1B1.10(b) is amended in subdivision (2) by striking “*Limitations*” and inserting “*Limitation*”; in subdivision (2)(A) by striking “*In General*” and inserting “*Limitation*”; in subdivision (2)(B) by inserting “*for Substantial Assistance*” after “*Exception*”; by striking “*original*”; by inserting “pursuant to a government motion to reflect the defendant’s substantial assistance to authorities” after “of sentencing”; and by striking the last sentence.

Section 1B1.10(c) is amended by striking “and”; and by inserting “, and 750 (parts A and C only)” before the period at the end.

The Commentary to 1B1.10 captioned “Application Notes” is amended in Note 1(A) in the first sentence by inserting “(i.e., the guideline range that corresponds to the offense level and criminal history category determined

pursuant to 1B1.1(a), which is determined before consideration of any departure provision in the Guidelines Manual or any variance)” before the period; and in Note 1(B)(iii) by striking “original”.

The Commentary to 1B1.10 captioned “Application Notes” is amended in Note 3 in the first paragraph by striking “original” in both places; by striking “shall not” and inserting “may” in both places; by inserting “as provided in subsection (b)(2)(A),” after “Specifically,”; by inserting “no” before “less than the minimum”; by striking “41 to 51” and inserting “70 to 87”; by striking “41” and inserting “70”; by striking “30 to 37” and inserting “51 to 63”; by striking “to a term less than 30 months” and inserting “, but shall not reduce it to a term less than 51 months”; and by striking the second paragraph and inserting the following new paragraphs:

“If the term of imprisonment imposed was outside the guideline range applicable to the defendant at the time of sentencing, the limitation in subsection (b)(2)(A) also applies. Thus, if the term of imprisonment imposed in the example provided above was not a sentence of 70 months (within the guidelines range) but instead was a sentence of 56 months (constituting a downward departure or variance), the court likewise may reduce the defendant’s term of imprisonment, but shall not reduce it to a term less than 51 months.

Subsection (b)(2)(B) provides an exception to this limitation, which applies if the term of imprisonment imposed was less than the term of imprisonment provided by the guideline range applicable to the defendant at the time of sentencing pursuant to a government motion to reflect the defendant’s substantial assistance to authorities. In such a case, the court may reduce the defendant’s term, but the reduction is not limited by subsection (b)(2)(A) to the minimum of the amended guideline range. Instead, as provided in subsection (b)(2)(B), the court may, if appropriate, provide a reduction comparably less than the amended guideline range. Thus, if the term of imprisonment imposed in the example provided above was 56 months pursuant to a government motion to reflect the defendant’s substantial assistance to authorities (representing a downward departure of 20 percent below the minimum term of imprisonment provided by the guideline range applicable to the defendant at the time of sentencing), a reduction to a term of imprisonment of 41 months (representing a reduction of